

1
2
3
4
5
6
7 ARTURO OSIEL VALENCIA BARRERA,
8 Plaintiff,
9 v.
10 FEDERAL BUREAU OF
11 INVESTIGATION,
12 Defendant.

Case No. 24-cv-02403-DMR

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**REQUEST FOR REASSIGNMENT TO
DISTRICT JUDGE AND REPORT AND
RECOMMENDATION TO DISMISS
COMPLAINT WITHOUT PREJUDICE
FOR FAILURE TO PROSECUTE**

Self-represented Plaintiff Arturo Osiel Valencia Barrera filed a complaint and an application for leave to proceed *in forma pauperis* (“IFP”). [Docket Nos. 1, 2.] Since all parties have not consented to the jurisdiction of a magistrate judge pursuant to 28 U.S.C. § 636(c), the court issues this Report and Recommendation and reassigns this case to a district judge for final disposition, with the recommendation that this action be dismissed without prejudice for failure to prosecute.

On August 8, 2024, the court granted Plaintiff’s IFP application and screened the complaint pursuant to 28 U.S.C. § 1915(E). [Docket No. 16.] The court ordered Plaintiff to file a first amended complaint that addressed the deficiencies identified in the screening order by August 29, 2024. *Id.* at 6. The court warned Plaintiff that failure to file a timely first amended complaint would result in a recommendation that his action be dismissed. *Id.* No amended complaint has been filed. Accordingly, the court recommends that Plaintiff’s action be dismissed without prejudice for failure to prosecute. The Clerk is directed to reassign this case to a district judge. Any party may file objections to this report and recommendation with the district judge within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a); N.D. Cal. Civ. L.R. 72-2.

1 The court refers Plaintiff to the section “Representing Yourself” on the Court’s website,
2 located at <https://cand.uscourts.gov/pro-se-litigants/>, as well as the Court’s Legal Help Centers for
3 unrepresented parties. Parties may schedule an appointment by calling 415-782-8982 or emailing
4 fedpro@sfbar.org.

IT IS SO ORDERED.

Dated: September 5, 2024

Donna
DONNA M. RYU

DONNA M. RYU
Chief Magistrate Judge

United States District Court
Northern District of California